

**REMARKS**

In the March 20, 2007 Action, the Examiner allowed claim 5, but rejected claims 1-4 under 35 U.S.C. § 101 and 112. The prior art rejections were withdrawn. In a conversation with the Examiner on March 26, 2007, Applicants' attorneys learned that the Examiner had inadvertently omitted from consideration claims 6, 7, and 14-16, but that he would undertake to review them and thereupon would issue a new Action. On March 30, 2007, Applicants resubmitted the then pending claims as amended claims 3, 6, 14, 15 and 16, claims 1 and 2 were cancelled and replaced with new claims 17 and 18 respectively, the dependencies of claim 3 and 14 corrected accordingly, and claim 19 was added.

On June 22, 2007, rather than issue a new Action as had been discussed, the Examiner spoke with Applicants' undersigned attorney and relayed comments about the pending claims and invited applicants to clarify perceived "non-functional" or "intended use" claim language. On August 29 and 31, 2007, Applicant's undersigned counsel and the Examiner again discussed proposed claim language to render moot the Examiner's concerns. Accordingly, Applicants now submit amended claims in an earnest effort to respond to the Examiner's comments. As presently amended, Applicants believe the claims are in condition for allowance and respectfully request reconsideration of these claims.

Specifically, the prior art does not teach or suggest a "system for allowing a user to bid on an option to purchase a ticket to a playoff game for which a plurality of participants could qualify to participate but have not yet been selected to qualify for said playoff game," that includes "a database having stored therein an option or futures record having a team field representative of one of said plurality of participants being a candidate for participation in the

playoff game,” and “a value field representative of a value of a minimum winning bid to purchase an option or future for a ticket for the playoff game on occurrence of [that] specified participant qualifying to participate in the contingent game”, and a server “processing a bid representative of a request to purchase the option or future, and for processing said bid and said option or futures record to adjust the minimum winning bid value and to allocate an option or futures contract to the winning bid; and an order processing module to trigger the exerciseability of a subset of options or futures contracts associated with” a qualifying participant, as called for in Applicants’ claim 5 as amended.

Nor does the prior art teach or suggest a system allowing a remote user to purchase, over a distributed computer network, an option or futures contract for a ticket to a playoff sporting game for which a plurality of teams could qualify, in which the host server include a game database connected in communication with said host server, said database including ticket identifiers each representative of a ticket for a contingent participant-game, as called for in Applicants’ claim 6.

Nor does the prior art teach or suggest a method of electronic commerce, comprising the steps of identifying a plurality of teams who could qualify for a playoff game; providing a plurality of tickets for said playoff game; establishing a network-based on-line system for sale of futures contracts to acquire said tickets for the playoff game, wherein each futures contract is exercisable upon occurrence of a designated one of said plurality of teams qualifying for the playoff game, wherein each of said plurality of teams could qualify for said playoff game yet which of said plurality of teams is to appear at the playoff game is unknown at the sale of said futures contract, and; offering said futures contracts for sale for each of said tickets for each of

said plurality of teams that could, at the time of the offer for sale, qualify to appear at the playoff game; and triggering the exercisability of said futures contracts associated with each of said teams that qualify for said playoff game, as called for in Applicants' claim 15.

**CONCLUSION**

For the foregoing reasons, Applicants respectfully submit that they have made a patentable contribution to the art. Reconsideration and allowance of this application is therefore respectfully requested.

Respectfully submitted,



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